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MASIMO CORPORATION

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

MASIMO CORPORATION,

Plaintiff,

v.

POLITAN CAPITAL MANAGEMENT
LP, et al.,

Defendants.

Case No. 8:24-CV-1568-JVS-JDE

The Hon. James V. Selna

**DECLARATION OF BENJAMIN
BARRON IN SUPPORT OF
PLAINTIFF MASIMO
CORPORATION'S OPPOSITION TO
JOE KIANI'S MOTION TO FILE
AMICUS BRIEF**

1 I, BENJAMIN R. BARRON, declare as follows:

2 1. I am an attorney admitted to practice law in the State of California and
3 before the United States District Court for the Central District of California. I am a
4 partner in the law firm of Keller/Anderle LLP, counsel for Plaintiff Masimo
5 Corporation in this matter. I have personal knowledge of the facts stated in this
6 declaration; and, if called upon to do so, I would and could testify competently to those
7 facts. This declaration is made in support of Plaintiff Masimo Corporation's Motion
8 to Vacate Order.

9 2. On November 26, 2024, Joseph Kiani, through his counsel at Hueston
10 Hennigan LLP, served discovery on Masimo Corporation in connection with *Kiani v.*
11 *Masimo*, Case No. 30-2024-01426785-CU-MC-CJC (Cal. Super. Sept. 19, 2024). As
12 a result, Masimo's discovery responses were due by December 26, 2024. I am not
13 aware of any valid reason for Kiani's counsel to delay service of discovery until then,
14 other than to seek an unfair advantage by timing the discovery to be due during the
15 holidays. Kiani filed the complaint on September 19, 2024, and filed the current
16 operative amended complaint on October 31, 2024.

17 3. On December 23, 2024, at approximately 3 p.m., I and my partner
18 Jeremy Stamelman met and conferred with counsel from Hueston Hennigan
19 regarding potential motion practice concerning that discovery. At no point during the
20 conversation did Kiani's counsel mention that, later that evening, his firm would be
21 filing the instant Motion and proposed *amicus* brief—nor to my knowledge have they
22 otherwise sought to meet and confer with my firm on that motion.

23 I declare under penalty of perjury, under the laws of the United States of
24 America, that the foregoing is true and correct.

25 Executed on December 27, 2024, at Irvine, California.

26 /s/ Benjamin R. Barron

27 BENJAMIN R. BARRON